

§ 58-70-25. Record of business in State.

(a) Each person, firm, or corporation licensed as a collection agency in North Carolina shall keep a full and correct record of all business done in this State as set forth below. All such records pertaining to collection activity, concerning debtor records and client accounting records, but not general operating records, shall be open to inspection by the Commissioner of Insurance or his duly authorized deputy upon demand.

(b) Every permit holder shall maintain adequate records which shall contain the items listed below. These records must be kept separate from records of any other business and must be maintained for not less than three years after the final entry has been made:

- (1) A daily collection record or cash receipt journal in which all collections are recorded and allocated as to total collections, setting forth:
 - a. The amount credited to principal and to interest, if any;
 - b. The amount due creditors or forwarders.
- (2) The amount retained as commission or commission paid to forwarders.
- (3) Payments made directly to creditors as reported to the collection agency by those creditors and commissions due the collection agency on those payments.
- (4) A record of each debtor's account shall be maintained consisting of the following:
 - a. The name and address of the debtor;
 - b. The name of the creditor or forwarder or forwarder if the account has been forwarded;
 - c. The principal amount owing and, if available, the date of the last credit or debit;
 - d. The amount and date of each payment made by the debtor; and
 - e. The date and time of each telephone or personal contact with the debtor.
- (5) A master alphabetical record by name and address of every creditor or forwarder with whom the permit holder engages in the business of collecting accounts.
- (6) A check register or carbon copies of each check issued or numerically numbered check stubs corresponding with all checks issued on the trust account for funds collected on behalf of creditors. Cancelled checks, together with voided or unused checks (adequately explained) drawn on the trust account shall be maintained in numerical order with the monthly bank statements.
- (7) A record by client or client number showing the number of accounts received from the client, the date received and the principal amount of the accounts.
- (8) A duplicate copy of each remittance statement furnished a creditor or forwarder, or other listing of the information contained on the statement.

(1959, c. 1194, s. 3; 1979, c. 835; 1989, c. 441, s. 6.)